Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Amendment of the Commission's Rules Regarding Dedicated Short-Range Communication Services in the 5.850-5.925 GHz Band (5.9 GHz Band)	)	WT Docket 01-90
Amendment of Parts 2 and 90 of the Rules to Allocate the 5.9 GHz Band to the Mobile Service for Dedicated Short-Range Communications of Intelligent Transportation Services	)	ET Docket No. 98-95 RM-9096

COMMENTS OF THE
NATIONAL EMERGENCY NUMBER ASSOCIATION

The National Emergency Number Association ("NENA") hereby comments on the Notice of Proposed Rulemaking ("Notice") in the captioned proceeding.[1] Composed of more than 7000 individual members and 46 chapters, NENA's mission is to foster the technological advancement, availability, and implementation of a universal emergency telephone number system. In carrying out its mission, NENA promotes research, planning, training and education. The protection of human life, the preservation of property and the maintenance of general community security are among NENA's objectives.

NENA's principal interest at this time lies in category 11 of Appendix B to the Notice, "On-Board Safety Data Transfer." Within this category, we believe, would fall "Automatic Crash Notification," ("ACN") the present ability to send to a call center -- and perhaps the future ability to send directly or relay to a Public Safety Answering Point ("PSAP") -- data about the

[1] Summarized in the *Federal Register* of January 15, 2003, 68 Fed.Reg.1999.

collision or accident status of a vehicle and its passengers.[2] An example of ACN integration into a PSAP network is described at Exhibit A, hereto.

It is too early to tell whether the current reliance on cellular and PCS communications that has developed through commercial telematics services is the only or best way to convey ACN and other types of data transmissions from the scenes of public safety incidents. To have DSRC as a backup for non-telematics-equipped vehicles, or possibly as an evolution from the existing cellular telephony foundation of the service, would be a useful option.

Thus, we believe the Commission's proposal to assign at least some of the spectrum in the 5.9 GHz band to public safety licensees is correct. We also recognize the possibility (Notice, ¶16) that certain data transmissions may be convertible into voice messages, and therefore support removal of the adjective "non-voice" from the definition of DSRC at Section 90.371 of the Rules.

We would hope that core public safety communications such as ACN would be relatively few and far between, and that ample spectrum would be available for the kinds of non-public safety applications also listed in Appendix B. In this regard, we favor the relatively broad definition of public safety services contained in the auction exemption language at Section 309(j)(2)(A) of the Rules.

Whether the level of activity within this broad scope of services would still leave room for commercial applications is disputed on the record thus far. (Notice, ¶16) If mixed use were possible, there are several ways to assure some form of priority for public safety. One would be

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[2] ACN is discussed at ¶¶74-75 of a pending Notice of Proposed Rulemaking in Dockets 94-102 and 99-67, exploring among other topics the potential 9-1-1 capabilities of automobile "telematics" systems. These systems are discussed in more detail in the comments in that proceeding of NENA and NASNA, ComCARE, OnStar, ATX and several vehicle manufacturers.

to restrict licensing to public safety service providers but allow them to lease or share spectrum not needed in the short term or used in the long term. Another way to blend public safety and commercial use would be to establish a relatively brief period within which license applications would be accepted solely from public safety providers, after which commercial providers could apply. A dynamic sharing of capacity might be achieved if there were reliable ways for a primary public safety licensee to override secondary commercial uses of channels when suddenly needed for the primary purpose.[3]

Finally, the nature of the ITS uses to which the 5.9 GHz band has been allocated seems to make some form of wide-area licensing far preferable to site-by-site assignment. We are not, at this time, predisposed toward licensing particular levels of government -- state, regional, local -- or formalities of structure (*e.g.* cities or counties versus "councils of governments") and will read with interest the comments of others.

Respectfully submitted,

NENA

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[3] *But see*, Reply Comments of APCO, WT Docket 00-32 (4.9 GHz Band rulemaking), August 7, 2002, at 6, arguing against commercial sharing of spectrum because the "Enhanced Distributed Coordination Function" proposed for the IEEE 802.11 standard in that band would not be foolproof in its "prioritized preemptive use."

EXHIBIT A

Extract from Testimony of NENA President John Melcher to Senate Communications Subcommittee, March 5, 2003

Another shining example of technology and E9-1-1 is here with me today in the gallery Officer Chris Murray of the Pasadena, Texas Police Department. Officer Murray's life has returned to normal after a potentially fatal accident, thanks to the deployment of E9-1-1, Automatic Crash Notification (ACN) life saving technologies.

Two days after Christmas, on the evening of December 27, 2002, Officer Murray was returning to the station after completion of his patrol duties. Driving his police cruiser, which was recently outfitted with a prototype telematics crash detection module, he temporarily lost control of his vehicle and veered off the roadway. Attempting to correct his slide, he turned his vehicle back on to the roadway, but the speed of the vehicle along with slippery conditions made it impossible for him to gain full control. Instantly he was catapulted across the roadway, nose-diving into a drainage ditch, flipping the vehicle, smashing into a utility pole and finally coming to rest upside down on the roadway. Unconscious, inverted and trapped, Officer Murray lay waiting for help to arrive.

Previous to impact, Officer Murray had been in radio contact with his patrol dispatchers. From the dispatcher perspective, it was obvious that something had gone terribly wrong. Officer Murray wasn't responding on his radio. However, the recently deployed telematics crash detection module was. Within seconds of the incident, detailed information providing the exact location of the event, the point of impact, along with an open communications channel was shared on the 9-1-1 network infrastructure with the PSAP receiving all the relevant data on the calltaker's screen. The Life Flight team was immediately dispatched. Flown to the Trauma

Center at Houston's Hermann Hospital, Officer Murray remained in and out of consciousness for several hours. After regaining consciousness several hours later, the doctors said that it was the speed of finding him and getting him to the hospital that prevented serious injuries.

All this was possible because Officer Murray's vehicle had been equipped with life-saving technology and the 9-1-1 network was able to receive and share detailed location and critical crash information with multiple responders.